

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

YOSILA GODINEZ, *et al*

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY, *et al*

Defendants.

Case No. 20-00828-CV-W GAF

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs Yosila Godinez, Oscar Velasquez Esteban and N.V.E., a minor, by his parent and next of friend Oscar Omar Velasquez, ("Plaintiffs") respectfully move this Court for entry of an Order granting summary judgment for Plaintiffs on Count One (Violation of the APA— Arbitrary and Capricious, Abuse of Discretion, Not in Accordance with Law) of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Plaintiffs are SIJS-parolees because of USCIS's grant of their I-360 Petitions, and USCIS's finding otherwise is arbitrary and capricious, an abuse of discretion, and not in accordance with law. Plaintiffs further request that the Court order USCIS to re-open Plaintiffs' EAD applications and treat them as having been filed by a SIJS-parolee and adjudicate said applications consistent with the statute and regulations. There is no genuine issue as to any material fact, and Plaintiffs are entitled to judgment as a matter of law.

Plaintiffs' Suggestions in Support of their Motion for Summary Judgment is respectfully submitted herewith.

Respectfully submitted this 18th day of February, 2021

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CERTIFICATE OF SERVICE

Based on the CM/ECF system, a copy of this Motion will automatically be served on:
the US Attorney's Office to Mr. Alan Simpson, alan.simpson@usdoj.gov

Respectfully submitted this 18th day of February, 2021

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